

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEJANDRO ABELES,

Plaintiff, Case No.

-against-

MICHAEL WOLK,

Defendant. **NOTICE OF REMOVAL**

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PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. 1446, Michael Wolk (“Wolk”) hereby removes to the United States District Court for the Southern District of New York a putative contempt case interposed by Alejandro Abeles (“Abeles”) against Wolk in the Supreme Court of the State of New York for the County of New York. The grounds for removal are (a) the diversity of citizenship of the parties, pursuant to 28 U.S.C. 1332, because (i) Abeles is domiciled in, and a citizen for diversity purposes in, the State of Texas, (ii) Wolk is domiciled in, and a citizen for diversity purposes in, the State of New Jersey, and (iii) the matter in controversy in the putative contempt case between Abeles and Wolk exceeds the sum or value of \$75,000, exclusive of interest and costs. A copy of the process, pleadings, or orders in the putative contempt case are attached hereto as exhibits.

PLEASE TAKE FURTHER NOTICE that, prior to the filing of this Notice of Removal, (a) Abeles failed to pursue putative contempt relief against Wolk in the manner required by state law (including, but not limited to, Abeles’ failure to commence a special proceeding against Wolk, a nonparty, in the manner required by Article 4 of the New York Civil Practice Law and Rules [“CPLR”]) and/or (b) Abeles failed to serve process on Wolk in connection with the putative contempt case in the manner required by state law (including, but not limited to, Abeles’ failure to effectuate personal service of process

on Wolk in the manner required by CPLR Articles 3 and 4 and/or in violation of the service requirements directed by the state court in an issued order to show cause) - - and, unless Wolk may hereafter elect to waive these objections and defenses to this removed case in a subsequent written instrument executed by Wolk, such objections and defenses (as of now and hereafter) are hereby expressly reserved by Wolk in response to the putative contempt case.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 81(c)(2)(C) of the Federal Rules of Civil Procedure, accompanying this Notice of Removal is Wolk's timely answer to the putative contempt case, including but not limited to Wolk's defenses and objections thereto.

Dated: February 14, 2022
New York, New York

Respectfully submitted,

Law Offices of Michael B. Wolk, P.C.

By:  /s/ Michael B. Wolk
Michael B. Wolk (MW-2272)

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To: Counsel of record for Abeles in the
putative contempt case

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